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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,680	01/24/2000	Robert J. Monson	5360	7479

7590 07/29/2003

Carl L. Johnson
Jacobson and Jacobson
Suite 285
One West Water Street
St. Paul, MN 55107-2080

EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,680

Applicant(s)

MONSON ET AL.

Examiner

Alfred J Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

This is the third Office Action for the serial number 09/490,680, User Coupled Workspace Shock Isolation System, filed on January 24, 2000.

Claim Rejections - 35 USC § 102

Claims 8-9 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 5,964,310 to Gyliner.

Claim 8, Gyliner discloses a shock-isolation system (figure 1) including a unitary platform (32) with an operator station (18) thereon, a support structure (14), a first mounting member (34) and a shock mount (56). The shock mount is located between the support structure and the unitary platform. Claim 9, the system includes a second mounting member (38). Claim 15, the shock mount provides vibration damping (col.3, lines 51-67 and col. 4, lines 1-13). In regard to claims 16-17, the shock mount simultaneously isolates the operator station and the unitary platform from shock and vibration and dampens vibration and shock to minimize the relative motion between the operator station and the operator (col.2, lines 24-55).

Claim Rejections - 35 USC § 103

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gyliner in view of US Patent # 4,392,546 to Brown et al.

Gyliner teaches the unitary platform but fails to teach the platform comprises a foot deck for an operator. Brown et al. teaches the unitary platform (40) comprising a foot deck (56). It

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would have been obvious for one of ordinary skill in the art at the time the invention was made to have added foot deck to Gyllner's platform as taught by Brown et al. to provide a foot rest for the operator while operating the machine.

Allowable Subject Matter

Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach wherein the shock-isolation system is only supported by the shock mount.

Response to Arguments

Applicant's arguments filed 5/9/03 have been fully considered but they are not persuasive.

On page 2 of applicant's argument stating that Gyllner's mounting member 66 is a stop and that limits the amount of pivotal movement of the other end of his operator station, his operator station is not a "mounting member for rigidly securing a console to said unitary platform." The examiner made an error in the previous office action that mounting member should be 34, instead of 66 for clarification. Gyllner shows that the mounting member supports the console to the unitary platform in a rigidly form. The mounting member provides a connection between the console and the platform and they both lay in a horizontal plane.

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The applicant argues that Gyllner's operator station is restrained from transnational motion by pivot joints and is not free to "remain spatially fixed to isolate the unitary platform from the effect of high "g" shock". Since Gyllner has pivotal joint, stop and damping device, the operator station can maintain during the "g" shock, it won't be thrown off of the support structure. The stop and damping device would absorb the impact from "g" shock between the platform and the support structure. The pivotal joint would also absorb the "g" shock by allowing the operator station to pivot on the support structure.

With respect to applicant's argument on page 4, stating that Brown patent does not teach a unitary platform that includes a foot deck for an operator, instead the foot deck is actually inclined part of the subfloor 40. Brown does show a unitary platform (40) having a foot deck (56). The foot deck allows the operator to rest his feet thereon when the tractor is not being operated.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is 703 306 5994.

The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703 308 2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 3519 for regular communications and 703 308 3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

Joey Wujciak
July 24, 2003


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER